

C A M P A I G N F O R ACCOUNTABILITY

May 19, 2017

By email: openrecords@dshs.texas.gov

Open Records Coordinator
Texas Department of State Health Services
1100 West 49th Street
Austin, TX 78756

Re: Public Information Act Request

Dear Sir or Madam:

Campaign for Accountability ("CfA") makes this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, pursuant to the Texas Public Information Act. TX Gov't Code §§ 552.001 *et seq.*

First, CfA seeks any and all communications to, from, or between any employee of the Texas Department of State Health Services ("DSHS") or Texas Health and Human Services ("HHS") and any employee or representative of the Heidi Group and/or the name under which it sometimes operates, the Wellness Coalition,¹ including but not limited to its leader, Carol Everett.

Second, CfA seeks any communications to, from, or between any DSHS or HHS employee and any employee of the State of Texas, including elected officials and executive branch employees, regarding the Heidi Group, the Wellness Coalition, and/or Carol Everett.

This request includes any communications, invoices, bills, documents, or other records that reflect the state's oversight or administration of any contracts with the Heidi Group. Specifically, the request includes, but is not limited to, monthly invoices submitted by the Heidi Group,² any proposals or applications for contracts submitted by the Heidi Group,³ and any contracts and/or agreements between The Heidi Group and HHS or DSHS.⁴

This request is for records from January 1, 2016 to the present.

By way of background, in August 2016, HHS awarded the Heidi Group \$1.6 million through its Healthy Texas Women program to provide health care and family planning services

¹ Edgar Walters, *Anti-Abortion Advocate's Group Receives Women's Health Grant*, *The Texas Tribune*, August 10, 2016, available at <https://www.texastribune.org/2016/08/10/texas-anti-abortion-advocate-group-health-grant/>.

² Letter from Charles Smith, Executive Commissioner, Texas Health and Human Services, to Texas State Rep. Jessica Farrar, April 7, 2017 (attached as Exhibit A), at 4.

³ *Id.*

⁴ *Id.* at 5.

to women.⁵ On March 14, 2017, the *Associated Press* reported the Heidi Group had largely failed to deliver the services outlined in its contract with HHS.⁶ The *Associated Press* also reported the Heidi Group had received a separate \$5.1 million family planning contract.⁷ An HHS spokesperson told the *Associated Press* at the time, "The bottom line is that we are holding our contractors accountable."

Where possible, please produce records electronically, in PDF or TIF format on a CD-ROM. CfA seeks records of any kind, including electronic records, audiotapes, videotapes, and photographs. This request includes any letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. This request also includes any attachments to these records.

If it is your position that any portion of the requested records is exempt from disclosure, please state the basis of the exemption. TX Gov't Code § 552.101. Please explain in writing and with particularity the reasons for any determination that a record is exempt from disclosure. In the event that a portion of a requested record is properly exempt from disclosure, please redact that portion and produce the remainder of the requested record. If you deny this request in whole or in part, please specify each exemption on which you are relying to withhold information.

CfA is a non-profit organization and seeks the requested information to inform and educate the public about the state's oversight responsibilities regarding public funding for private organizations. Accordingly, because CfA seeks the information to benefit the general public, we request that the information be provided without charge. TX Gov't Code § 552.267. If a fee waiver is not available, please inform me if the cost will exceed \$200. TX Gov't Code § 552.2615.

Please promptly produce the requested information. If, however, production cannot occur within 10 business days, please certify that fact to us and provide a time when the information will be available. TX Gov't Code § 552.221. If you are unable to meet this statutorily required time period, or foresee any problems in releasing the requested records in whole or in part, please contact me at 202-780-5750.

Finally, I welcome the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better DSHS to process it.

⁵ *Id.*

⁶ Paul Weber, Get by without Planned Parenthood? One Texas effort stumbles, *Associated Press*, March 14, 2017, available at <http://www.chicagotribune.com/lifestyles/health/sns-bc-us--womens-health-texas-20170317-story.html>.

⁷ *Id.*

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If possible, please email the records to me at dstevens@campaignforaccountability.org.
If the records are mailed, please send them to: Campaign for Accountability, 660 Pennsylvania Ave S.E., Suite 303, Washington, D.C. 20003.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens
Executive Director